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Written statement* submitted by the Society for Threatened Peoples, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[16 February 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Human rights situation of the Rohingya in Myanmar

In 2011, Myanmar opened up to the world, choosing the path of democracy and getting rid of a military government which had ruled for fifty years and that has left as a legacy a poor country, divided and wounded by violence.

The government of President Thein Sein is undertaking a series of political, economic and administrative reforms aimed to guarantee democracy and prosperity. However, the absence of a genuine legal basis is allowing the adoption of reforms that only strengthen the power of the military caste and that are leading to growing inequality and discontent in the population.

Drafted under the military government, the constitution guarantees the military with a quarter of seats in parliament and veto power over decisions taken by legislators.

The military privileges provided by the 2008 Constitution are not only hampering the constitutional amendments which the country strongly needs in order to continue its path towards democracy, but are also facilitating the adoption of laws that have nothing to do with democracy.

Currently, the Myanmar parliament is debating a controversial legislative package called the "Laws on Protection of Race and Religion" which includes the Religion Conversion Bill, Interfaith Marriage Bill, Population Control Bill, and the Monogamy Bill. The legislation has been proposed by an extremist Buddhist organization called the Association for the Protection of Race and Religion, which is connected to the nationalist Buddhist monk Wirathu and the 969 Movement.

This group of bills is not only violating human rights in several ways but it is also endangering the peace and unity of the country.

The Religion Conversion Bill includes restrictions on converting to another religion especially for those who are wishing to convert from Theravada Buddhism to a minority religion or to atheism. The bill set out a process for applying for official permission to convert from one religion to another, giving Township-level official from various government departments the power to determine whether an applicant has exercised free will in choosing to change religion. Penalties up to two years are foreseen for those who are found to be applying for conversion "with the intent of insulting or destroying a religion" or "undue influence or pressure".

The Interfaith Marriage Bill will restrict the rights of women, especially Buddhist women to choose their husband and to contract marriage. In fact, even this bill prescribes Buddhist women to get permission from both parents and local government officials before marrying men from another religious faith, while non-Buddhist men are forced to convert to Buddhism before marrying Buddhist women. In addition to the marriage restrictions women from all faiths have been also direct targets of the Population Control Bill, which allows the government to put a limit to the number of children people can have.

The Monogamy Bill deals with the already forbidden polygamy and add measures in order to stop it, succeeding in criminalizing and marginalizing the ethnic and religious group who are traditionally practicing it. All the proposed bills, if enacted, would violate international human rights standards, the international obligation of Myanmar as well as the 2008 Constitution.

The rights of freedom of religion, conscience, expression and the anti-discrimination principle are widely protected under international laws and in some of the international treaties that Myanmar has ratified or accepted like the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW). Also the national law

contains an anti-discrimination Principle; in Article 348 of Chapter VIII of the 2008 Constitution it is written that: "The Union shall not discriminate any citizen of the Republic of the Union of Myanmar, based on race, birth, religion, official position, status, culture, sex and wealth."

However, despite the clear violation of international obligations and of the same constitution the government of President Thein Sein supports the Laws on Protection of Race and Religion and is prepared to move the legislation to exploit religious divisions for political gains.

Furthermore, the proposed laws are leading to a legal way to discriminate and persecute the Muslim population, especially the Rohingya which are already persecuted and forced to live in IDP (internally displaced persons) camps across the country. The government of Myanmar in collaboration with the Association for the Protection of Race and Religion is fostering a nation of one religion and one ethnicity and aimed to reduce or cancel the other religious minority in the country.

The Rohingya minority is a target of systematic human rights violations sponsored by the government and by the extremist Buddhist monk Wirathu and his 969 Movement.

Wirathu is inciting violence against the Rohingya in his sermons. He preaches a nationalist lifestyle for all Buddhist who are called to protect the Buddhist race against the Muslims.

Three years of violence have confined the Rohingya in IDP camps where they have to live in unbearable conditions. The Special Rapporteur for Human Rights in Myanmar, Mrs. Yanghee Lee said that the condition in the Rohingya IDP camps were not only deplorable but also that no improvement has been made by the government in order to help the Rohingya.

The visit of the UN Special Rapporteur for human rights, Yanghee Lee, in Myanmar has been accompanied by a lot of criticism and demonstrations of Buddhist nationalist group. On the last day of Mrs. Yanghee Lee's visit the Buddhist monk Wirathu had the audacity not only to incite an angry crowd against her but also to insult Mrs. Lee with sexist comments. The Myanmar government, despite the reaction and the indignation of the international community has not commented on the obscene language of Wirathu. Instead, Mrs. Lee has been criticized for her use of the word Rohingya.

Wirathu and the 969 Movement are more than tolerated by the government and even supported by Thein Sein and by military officials. When the international community had called on Myanmar's government to intervene against the religious hate propaganda of Wirathu, Thein Sein and his spokesperson entrenched themselves behind the freedom of religion and thought. A freedom of religion and thought which is guaranteed, however, only to "friends" of the government, which is acting more and more as an autocratic government rather than the democratic-minded system it claims to be.

On one hand, the 969 Movement is endangering the democratic reforms Myanmar needs and on the other hand the same 969 Movement is being used by the government in order to create a climate of instability which is favoring the concentration of actual power again in the hand of the

Therefore, Society for Threatened Peoples urges the Human Rights Council to call on the Government of Myanmar to:

• Revise legislation as necessary, in particular the legislative package "Laws on Protection of Race and Religion".

• Not hinder and delay the necessary constitutional reforms with a focus on the legacy of the Article 436 (military veto) in a democratic context

•Take action against the 969 movement and other organizations that are implicated in anti-Muslim violence.

• Condemn the Buddhist monk U. Wirathu for insulting a representative of the United Nations in the conduct of her duties

• Condemn and dispel hate speech and propaganda against all ethnic and religious groups.

• End immediately human rights violations and resolve the grievous situation of Muslim minorities in the country with particular emphasis on the Rohingya religious community

• Fully, impartially and fairly investigate and persecute those responsible for serious abuses and human rights violations against the Rohingya.

• Allow for a fair repartition of humanitarian aid